

RECEIVED
CENTRAL FAX CENTER

OCT 18 2006

MARSHALL
& MELHORN

FAX TRANSMISSION

NOTICE:

2ND TRANSMITTAL

Because Certificate of Transmittal
was not signed.

TO: U. S. Patent and Trademark Office
APPEAL BRIEF - PATENTS
COMMISSIONER FOR PATENTS

FAX #: 571 - 273 - 8300

FROM: STEPHEN G. KIMMET Reg. No. 52,488

DATE: OCTOBER 18, 2006

OPERATOR: SGK

We are transmitting a total of 5 pages (including this cover sheet). If transmission is not complete, please call (419) 249-7100.

COMMENTS: Re: 5/N 09/915,188 (7-25-01)

EXAMINER: JUNGWON CHANG

Response to Telephone Call regarding
Notification of Non-Compliant Brief.

This message is intended for use only by the individual to whom it is addressed and may contain confidential and/or privileged information. If you are not the intended recipient, please take note that any dissemination, distribution or copying is not permitted. If you have received this communication in error, please destroy the original and notify us immediately by telephone so that we might prevent any recurrence. Thank you for your assistance.

RECEIVED
CENTRAL FAX CENTER

OCT 18 2006

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the
United States Patent and Trademark Office on October 18, 2006

By *S. Kimmert*
signature
Stephen G. Kimmert
printed name
October 18, 2006
date of signature

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of: John C. Dute' et al.) Group Art Unit: 2154
Serial No.: 09/915,188) Examiner: Jungwon Chang
)
Filing Date: July 25, 2001) Attorney Docket: 1-16437
)
For: System, Device and Method for)
Comprehensive Input/Output Interface)
Between Process or Machine Transducers)
and Controlling Device or System)

October 18, 2006

MAIL STOP APPEAL BRIEF – PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF UNDER 37
CFR 41.37

Honorable Sir:

This document is in response to a telephone call from the U.S. Patent and Trademark Office on October 18, 2006 notifying of a non-compliant appeal brief. The notification indicated that the appeal brief, which was mailed to the Office on March 30, 2006, did not contain a related proceedings appendix.

Page 1 of 2

In accordance with 37 CFR 41.37(c)(1)(x), attached hereto, is the related proceedings appendix which indicates that no related proceedings are being relied upon by appellants in the appeal.

CONCLUSION

Accordingly, appellants submit that the appeal is now in compliance with 37 CFR 41.37.

Respectfully submitted,



Stephen G. Kimmet
Registration No. 52,488

ATTORNEYS:
MARSHALL & MELHORN, LLC.
Four SeaGate, 8th Floor
Toledo, OH 43604
Tel: 419-249-7132
Fax: 419-249-7151

Brief on Appeal
Serial No.: 09/915,188
Response to Notification of Non-Compliance
Date October 18, 2006

RELATED PROCEEDINGS APPENDIX

Brief on Appeal
Serial No.: 09/915,188
Response to Notification of Non-Compliance
Date October 18, 2006

Related Proceedings

None